

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DOMINGO P. GUERRA,

Plaintiff,

v.

5:08-CV-0028 (NPM/GHL)

STEPHEN C. JONES,  
SCSD Superintendent for the  
2004- 2005 School Year, et al.,

Defendants.

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APPEARANCES:

DOMINGO P. GUERRA, Pro Se

Neal P. McCurn, Senior United States District Judge

**MEMORANDUM-DECISION and ORDER**

Plaintiff Domingo P. Guerra (“plaintiff”) brings this job discrimination action pursuant to Title VII of the Civil Rights Act of 1964, as amended, codified at 42 U.S.C. §§ 2000 et seq. (“Title VII”); and the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621 et seq. This court has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

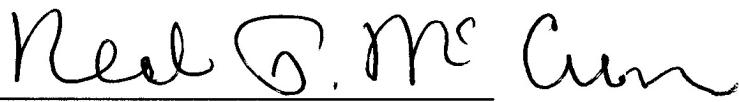
On February 5, 2008, Magistrate Judge George H. Lowe issued a Report and Recommendation (“Report-Rec”) (Doc. No. 5) which recommended that this

court deny plaintiff's motions to proceed in forma pauperis, and for appointment of counsel. The magistrate also recommended that the action be dismissed if plaintiff failed to pay the \$350.00 filing fee in full within thirty days of the filing date of the order. On February 11, 2008, plaintiff paid the filing fee in full. The court considers plaintiff's compliance in rendering its decision.

Upon careful review of Magistrate Lowe's Report-Rec, and absent objection from the parties, the recommended ruling (Doc. No. 5) is hereby APPROVED and ADOPTED insofar as it recommends that plaintiff's motion for appointment of counsel be denied. Accordingly, the motion for appointment of counsel (Doc. No. 3) is hereby DENIED. Plaintiff's motion to proceed in forma pauperis (Doc. No. 2) is hereby DENIED AS MOOT, and plaintiff may proceed pro se with the action before this court.

SO ORDERED.

Dated: April 18, 2008  
Syracuse, New York

  
Neal P. McCurn  
Neal P. McCurn  
Senior U.S. District Judge